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**MOB INVOLVEMENT IN HAZARDOUS WASTE DISPOSAL: WHY WE NEED A STRONG RICO**

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**TEXT:**

Text that appears in UPPER CASE identifies statements or insertions which are not spoken by a Member of the House on the floor.

[\*H6788] The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. Conyers] is recognized for 5 minutes.

MR. CONYERS MR. SPEAKER, ON AUGUST 7, 1987, WHEN I ANNOUNCED MY INTENTION TO INTRODUCE, ALONG WITH MY DISTINGUISHED COLLEAGUE, THE GENTLEMAN FROM CALIFORNIA, MR. DON EDWARDS, RICO LEGISLATION, I INCLUDED IN THE RECORD A COPY OF A RESOLUTION OF THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL THAT CALLED FOR MAKING THE CRIMINAL VIOLATIONS OF OUR HAZARDOUS WASTE MANAGEMENT AND DISPOSAL LAWS PREDICATE OFFENSES WITHIN RICO. (133 CONG. REC. E 3362 DAILY ED., AUG. 7, 1987). NEVERTHELESS, I DID NOT AT THAT TIME INCLUDE IN H.R. 3240 THE TOXIC WASTE CRIMINAL VIOLATIONS, AS I HAD NOT HAD THE OPPORTUNITY TO STUDY THE ISSUE SUFFICIENTLY. I RISE NOW TO SHARE THE RESULTS OF MY SUBSEQUENT EXAMINATION OF THE ISSUE WITH THE HOUSE. I NOTE, TOO, THAT THESE OFFENSES ARE INCLUDED IN THE RICO REFORM LEGISLATION, H.R. 4920, WHICH MR. EDWARDS AND I INTRODUCED ON JUNE 28, 1988. (134 CONG. REC. H. 4832 DAILY ED. JUNE 28, 1988).

I

THE GENERATION OF HAZARDOUS WASTE IS ONE OF THE SIDE EFFECTS OF MODERN INDUSTRIAL PRODUCTION. FACTORIES MUST COPE DAILY WITH LARGE ACCUMULATIONS OF UNRECYCLABLE CHEMICAL BYPRODUCTS GENERATED BY NORMAL PRODUCTION TECHNIQUES. UNTIL RECENTLY, SUCH WASTE DISPOSAL WAS UNREGULATED. THE GENERATORS OF HAZARDOUS WASTE DISPOSED OF IT

CHEAPLY, GENERALLY BY DUMPING IT IN COSTAL WATERS OR IN LANDFILLS, NEITHER OF WHICH HAS THE CAPACITY TO ABSORB THE VOLUME OF SUCH MATERIAL NOW BEING PRODUCED.

IN THE 1970'S, CONCERNED CITIZENS, RIGHTLY, CAME TO BELIEVE THAT THE IMPROPER DISPOSAL OF SUCH HAZARDOUS WASTE WAS CREATING AN ENVIRONMENTAL AND PUBLIC HEALTH BURDEN OF AN UNKNOWN, BUT POTENTIALLY MASSIVE SCALE. ALTHOUGH THE GREAT UNCERTAINTY STILL EXISTS ABOUT THE ULTIMATE EFFECT OF INDUSTRIAL WASTE ON PUBLIC HEALTH, IMPROPER MANAGEMENT HAS CLEARLY RESULTED IN EXPLOSIONS, FIRES, POLLUTION OF WATER RESOURCES, AND OTHER UNCONTROLLED RELEASES THAT HAVE RESULTED IN HARM RANGING FROM SKIN IRRITATION, LUNG DISEASE AND CANCER TO BIRTH DEFECTS. IN RESPONSE TO THIS CONCERN, THE STATES AND THE FEDERAL GOVERNMENT PASSED REGULATIONS DEALING WITH THE PROBLEM. THE CENTERPIECE OF THIS REGULATORY SCHEME HAS BEEN THE RESOURCE CONSERVATION AND RECOVERY ACT [RCRA], PASSED IN 1976. (42 U.S.C. 6901 (1982)) THE RCRA MANDATES COMPREHENSIVE MECHANISMS TO GUARANTEE THE SAFE DISPOSAL OF HAZARDOUS WASTE. IT ESTABLISHES STANDARDS AND PROCEDURES FOR CLASSIFYING SUBSTANCES AS HAZARDOUS. IT ALSO AUTHORIZES THE STATES TO REGISTER CORPORATE GENERATORS OF HAZARDOUS WASTE AND LICENSE HAULING AND DISPOSAL FIRMS. TODAY, APPROXIMATELY 66,000 FIRMS HAVE BEEN IDENTIFIED AND BROUGHT WITHIN THE REGULATORY SCHEME, A SCHEME THAT AS RECENTLY AS 1985 HAD TO HANDLE 264 MILLION METRIC TONS OF HAZARDOUS WASTES. FINALLY, THE 1976 STATUTE MANDATES THE CREATION OF A MANIFEST SYSTEM THAT DOCUMENTS THE MOVEMENT OF HAZARDOUS WASTE FROM THE GENERATOR, THROUGH THE TRANSPORTER, TO THE SHIPMENT'S FINAL DESTINATION AT A LICENSED DISPOSAL SITE.

## II

THE NEW REGULATIONS THAT RESULTED FROM THIS PIONEER LEGISLATION DRAMATICALLY INCREASED THE DEMAND FOR HAZARDOUS WASTE HAULING AND DISPOSAL SERVICES. UNFORTUNATELY, RECENT STATE AND FEDERAL INVESTIGATIONS HAVE TRAGICALLY DOCUMENTED THAT ILLEGAL WASTE DISPOSAL IS WIDESPREAD AND THAT **ORGANIZED CRIME** ELEMENTS -- TRADITIONALLY ACTIVE IN GARBAGE HAULING AND LANDFILLING -- HAVE ENTERED THIS NEW MARKET. (SEE GENERALLY, SZASA, CORPORATIONS, **ORGANIZED CRIME** AND THE DISPOSAL OF HAZARDOUS WASTE, 24 JOURNAL OF CRIMINOLOGY 1 (1986) FOR AN EXCELLENT REVIEW OF THE LITERATURE.) THE INVOLVEMENT OF **ORGANIZED CRIME** ELEMENTS HAS BEEN PARTICULARLY PREVALENT IN THE TRISTATE REGION OF NEW YORK, CONNECTICUT, AND NEW JERSEY. THIS REGION PRODUCES A GREAT DEAL OF HAZARDOUS WASTE, AND THE MOB'S INVOLVEMENT IN THE REGION AND IN THE PROBLEM IS THOROUGHLY DOCUMENTED. AS SUCH, A SITUATION NOW EXISTS WHERE CORPORATIONS, SOME OF WHICH ARE AT THE HEART OF THE AMERICAN ECONOMY, DISCHARGE THEIR REGULATORY OBLIGATIONS UNDER RCRA BY ENTERING INTO DIRECT CONTRACTUAL RELATIONSHIPS WITH FIRMS DOMINATED BY **ORGANIZED CRIME**.

MR. SPEAKER, THE PROBLEM IS NOT MINOR IN CHARACTER. THE PERCENTAGE OF HAZARDOUS WASTE THAT IS DISPOSED OF ILLEGALLY IS ASTOUNDING. THE OFFICE

OF TECHNOLOGY ASSESSMENT [OTA] ESTIMATES THAT NO MORE THAN 10 TO 20 PERCENT OF ALL HAZARDOUS WASTE IS RENDERED HARMLESS BY INCINERATION OR BY CHEMICAL OR BIOLOGICAL TREATMENT. FEW FACILITIES EXIST, HOWEVER, THAT CAN TREAT WASTES IN THESE WAYS, AND THE PRICE OF TREATMENT IS MUCH HIGHER THAN OTHER MEANS OF DISPOSAL. THE REMAINING 80 TO 90 PERCENT IS EITHER LANDFILLED -- OR DISPOSED OF ILLEGALLY. TRAGICALLY, IT IS APPARENT THAT ONLY A SMALL PORTION OF HAZARDOUS WASTE GOES INTO LANDFILLS THAT HAVE THE SITING STUDIES, PROPER CONTAINMENT PRACTICES, AND CONTINUOUS MONITORING TO BE FULLY LICENSED BY THE EPA. ONLY 200 SUCH LANDFILLS ARE TO BE FOUND IN THE NATION. MOST HAZARDOUS WASTE, THEREFORE, GOES TO LANDFILLS THAT HAVE ONLY INTERIM LICENSES TO OPERATE THAT ARE A MUCH POORER QUALITY AND ARE LIKELY TO POLLUTE THE SURROUNDING LAND AND WATER WITHIN A FEW YEARS.

ILLEGAL DUMPING IS EVEN MORE LIKELY TO HAVE ADVERSE SHORT TERM ENVIRONMENTAL CONSEQUENCES. THE FULL EXTENT OF ILLEGAL ACTIVITY IS, OF COURSE, LARGELY UNKNOWN. STATE OFFICIALS INTERVIEWED BY THE GAO IN ITS COMPREHENSIVE 1985 STUDY OF THE ILLEGAL DISPOSAL OF HAZARDOUS WASTE AGREED THAT ILLEGAL DISPOSAL WAS OCCURRING, BUT HAD NO FIRM INFORMATION ON THE SCOPE OF THE ACTIVITY. (SEE GENERALLY, ILLEGAL DISPOSAL OF HAZARDOUS WASTE: DIFFICULT TO DETECT OR DETER (GAO: FEB. 22, 1985)). IN THAT SAME STUDY, THE DIRECTOR OF EPA'S NATIONAL ENFORCEMENT INVESTIGATIONS CENTER REPORTED THAT THE CENTER RECEIVED 240 ALLEGATIONS JUDGED AS HAVING GOOD POTENTIAL FOR INVESTIGATION DURING FISCAL YEARS 1921-84. NEVERTHELESS, DUE TO STAFF LIMITATIONS, THE CENTER WAS ABLE TO OPEN INVESTIGATIONS ON ONLY 70! THE MANAGER OF THE ILLINOIS ENVIRONMENTAL AGENCY'S LAND POLLUTION CONTROL DIVISION REPORTED THAT HE BELIEVED THE NUMBER OF ILLEGAL DISPOSAL CASES TO BE BETWEEN 170 TO 340 CASES. OFFICIALS IN MASSACHUSETTS, NEW JERSEY, AND CALIFORNIA ALSO REPORTED THAT ILLEGAL DISPOSAL IS A PROBLEM BUT NO WAY EXISTED TO QUANTIFY ITS EXTENT.

A WIDE ARRAY OF ILLEGAL DISPOSAL PRACTICES HAVE OCCURRED AND ARE OCCURRING. THE 1985 GAO STUDY ILLUSTRATES THE VARIETY OF ILLEGAL WAYS WASTE SHIPMENTS MAY END UP COMMINGLED WITH ORDINARY GARBAGE -- AND FEW OF THESE CASES REFLECT **ORGANIZED CRIME** RELATED ACTIVITIES. THE PROBLEM, IN SHORT, IS NOT ONLY **ORGANIZED CRIME**, BUT ALSO ILLEGAL BUSINESS-RELATED ACTIVITY GENERALLY. A MANUFACTURING COMPANY, FOR EXAMPLE, DUMPED 10 GALLONS OF HIGHLY FLAMMABLE LIQUID SOLVENT INTO A TRASH BIN. (GAO, CASE NO. 7) AN ENGINE AND MECHANICAL EQUIPMENT MANUFACTURER PLACED ABOUT 600 GALLONS OF CORROSIVES, SOLVENTS, AND OIL WASTES INTO A LARGE ROLLAWAY TRASH BIN. (GAO, CASE NO. 22) LIQUID HAZARDOUS WASTE MAY BE RELEASED ALONG A ROADWAY (GAO, CASE NO. 11) WHERE A TRANSPORTER ABANDONED A STOLEN TRUCK TRAILER LOADED WITH 78 DRUMS OF SULFURIC ACID AND CYANIDE WASTES. (GAO, CASE NO. 34) SHIPMENTS MAY ALSO BE STOCKPILED AT SITES UNSUITED FOR HAZARDOUS WASTE OR AT DISPOSAL FACILITIES THAT HAVE NO REAL DISPOSAL CAPABILITIES. TWELVE HUNDRED DRUMS OF HIGHLY FLAMMABLE WASTES WERE STORED IN A BUILDING ADJACENT TO A FULLY OCCUPIED HIGH-RISE TENEMENT. (GAO, CASE NO. 33) WASTES MAY BE DRAINED INTO LOCAL CITY SEWER SYSTEMS, RIVERS, OCEANS, OR

DUMPED IN OUT OF THE WAY RURAL SPOTS. A METAL RECOVERY COMPANY DISPOSED OF ITS WASTES IN AN OIL FIELD THAT THE COMPANY LEASED IN A NATIONAL FOREST. (GAO, CASE NO. 23) SIMILARLY, A BATTERY-LEAD RECOVERY OPERATOR DISCHARGED ACID WASTES TO THE GROUND; THE WASTES WERE DESCRIBED BY COUNTY INVESTIGATORS AS POTENTIALLY INJURIOUS TO THE WORKERS AND TO THE NEIGHBORING ENVIRONMENT, AND THE SOIL SAMPLES CONTAINED A TOXIC LEAD CONCENTRATION THAT WAS MORE THAN 1,000 TIMES THE MAXIMUM CONCENTRATION ALLOWED BY STATE LAW. (GAO, CASE NO. 29) THE LIST OF ALARMING ILLUSTRATIONS COULD EASILY BE EXTENDED.

### III

MR. SPEAKER, **ORGANIZED CRIME** WAS IDEALLY SUITED TO DEVELOP ITS SPECIAL FORM OF ILLEGAL HAZARDOUS WASTE DISPOSAL PRACTICES TO THE FULLEST. IN THOSE PARTS OF THE NATION WHERE GARBAGE HAULING AND LANDFILLING WAS HISTORICALLY CONTROLLED BY **ORGANIZED CRIME**, ITS MOVEMENT INTO THE NEWLY CREATED HAZARDOUS WASTE MARKET WAS AN OBVIOUS EXTENSION OF ITS TRADITIONAL CRIMINAL ACTIVITY. IN NEW JERSEY, FOR EXAMPLE, **ORGANIZED CRIME** HAS, FOR A NUMBER OF YEARS, CONTROLLED MAJOR PORTIONS OF THE GARBAGE INDUSTRY THROUGH THE OWNERSHIP OF GARBAGE HAULING FIRMS, OWNERSHIP OF, OR CONTROL OF, LANDFILLS, AND THROUGH LABOR RACKETEERING. AS SUCH, **ORGANIZED CRIME** ELEMENTS EASILY ENTERED BOTH THE HAULING AND DISPOSAL PHASES OF THE HAZARDOUS WASTE HAULING INDUSTRY. IT IS A SAD, BUT TRAGIC STORY.

THE MOB BEGAN WITH AN ESTABLISHED ORGANIZATIONAL INFRASTRUCTURE, WHICH GOVERNED ITS RELATIONSHIP IN A PARTICULAR GEOGRAPHICAL AREA. THREATS AND VIOLENCE QUICKLY PERSUADED OTHER FIRMS TO JOIN THE INFRASTRUCTURE AND ABIDE BY ITS RULES -- OR TO SELL AND GET OUT. ACCORDINGLY, WHEN THE RCRA MANDATED THE LICENSING OF FIRMS DEEMED FIT TO TRANSPORT HAZARDOUS WASTE, MOB-CONNECTED GARBAGE HAULERS FOUND IT EASY TO ACQUIRE STATE PERMITS AND DECLARE THEMSELVES TO BE HAZARDOUS WASTE HAULERS. (SEE GENERALLY, **ORGANIZED CRIME AND HAZARDOUS WASTE DISPOSED: HOUSE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE**, 92 CONG. 2 SESS. 22 (DEC. 16, 1980) (HEREINAFTER "HOUSE 1980")) NATURALLY, THESE ELEMENTS BROUGHT THEIR TRADITIONAL FORM OF SPECIAL ORGANIZATIONAL TALENT WITH THEM. INDEED, THEY IMMEDIATELY MET AS A GROUP TO SET UP A TRADE WASTE ASSOCIATION TO APPORTION AND ENFORCE "PROPERTY RIGHTS" IN THE NEW MARKET. (SEE GENERALLY, ID. AT 9-10; **ORGANIZED CRIME LINKS TO THE WASTE DISPOSAL INDUSTRY**, HOUSE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATION OF THE COMMITTEE ON ENERGY AND COMMERCE, 92 CONG. 2 SESS. 1-12, 212 (MAY 28, 1981)).

THE RCRA, HOWEVER, REQUIRES MORE THAN JUST LICENSED HAULERS. THE MANIFEST SYSTEM REQUIRES THAT SOMEONE BE WILLING TO SIGN OFF ON THE MANIFEST AND DECLARE THAT A WASTE SHIPMENT HAS BEEN PROPERLY DISPOSED OF. THUS, THE MOB HAD TO HAVE OWNERSHIP OF, OR AT LEAST INFLUENCE OVER, FINAL DISPOSAL SITES. MANY LANDFILLS WERE ALREADY OWNED WHOLLY, OR IN PART, BY **ORGANIZED CRIME** FIGURES, A LEGACY OF PAST MOB INVOLVEMENT IN

THE GARBAGE BUSINESS. ACCORDINGLY, THESE SITES REGULARLY BEGAN TO ACCEPT DUBIOUS SHIPMENTS OF HAZARDOUS WASTE THINLY DISGUISED AS ORDINARILY MUNICIPAL WASTE. LANDFILL OWNERS NOT DIRECTLY ASSOCIATED WITH **ORGANIZED CRIME** WERE ALSO BRIBED OR THREATENED TO SIGN MANIFEST FOR SHIPMENTS NEVER RECEIVED OR TO ACCEPT HAZARDOUS WASTE THAT WAS MANIFESTED SOMEWHERE ELSE. IN ADDITION, KNOWN **ORGANIZED CRIME** FIGURES STARTED TO SEIZED CONTROL OF A NETWORK OF PHONY DISPOSAL AND TREATMENT CENTERS, INCLUDING THE CHEMICAL CONTROL CORP., MODERN TRANSPORTATION AND DUANE MARINE.

MODERN TRANSPORTATION, A FIRM THAT WOULD ULTIMATELY RECEIVE HALF THE MANIFESTED HAZARDOUS WASTE ORIGINATING IN NORTHERN NEW JERSEY, WAS INCORPORATED IN 1972 BY RICHARD MIELE, COOWNER WITH **ORGANIZED CRIME** FIGURES OF NUMEROUS GARBAGE-RELATED FIRMS AND LANDFILLS. SEE GENERALLY, A. BLOCK AND F. SCARPITTI, POISONING FOR PROFIT: THE MAFIA AND TOXIC WASTE IN AMERICA 297 (1985)) CHEMICAL CONTROL CORP. WAS TAKEN OVER BY JOHNNY ALBERT, ONE OF THE ORGANIZERS OF THE JOB RELATED NEW JERSEY TRADE WASTE ASSOCIATION. (1980 HOUSE AT 10) DUANE MARINE WAS SO ENMESHED IN **ORGANIZED CRIME** NETWORKS AND ACTIVITIES THAT ITS FORMER EMPLOYEE, HAROLD KAUFMAN, BECAME, IN FACT, THE CENTRAL FEDERAL INFORMANT ON THESE CRIMINAL ACTIVITIES.

LICENSED BY THE STATE, THESE OUTFITS COULD LEGALLY RECEIVE HAZARDOUS WASTE AND SIGN OFF ON THE MANIFEST. THEY WOULD THEN EITHER STOCK PILE IT ON SITE OR DUMP IT ALONG ROADWAYS, DOWN MUNICIPAL SEWERS, INTO THE OCEAN, OR ELSEWHERE. IN ONE CASE, SEVERAL MAJOR CORPORATIONS SIGNED OVER THEIR WASTES TO AN OUT OF STATE FACILITY THAT SUBSEQUENTLY WAS SHOWN TO SIMPLY NOT EXIST.

#### IV

MR. SPEAKER, IT IS HARDLY SURPRISING THAT GIVEN THE OPPORTUNITY, **ORGANIZED CRIME** ELEMENTS ENTERED THE NEWLY CREATED MARKET FOR HAZARDOUS WASTE HANDLING. THEY HAD THE EQUIPMENT AND THE ORGANIZATION. THEY HAD THE KNOW-HOW AND THE WILL TO CORRUPT THE MANIFEST SYSTEM. IT WAS AN ATTRACTIVE PROSPECT. BOTH THE POTENTIAL SIZE OF THE MARKET AND THE POTENTIAL PROFITS WERE ENORMOUS. BUT EVEN IF THESE CRIMINAL ELEMENTS CHARGED ONLY A FRACTION OF THE TRUE PRICE OF LEGITIMATE HAZARDOUS WASTE DISPOSAL, THE PRICE WOULD BE MUCH HIGHER THAN THE PRICE CHARGED TO MOVE THE SAME STUFF WHEN IT WAS JUST GARBAGE, YET THE OPERATING EXPENSES WERE LARGELY THE SAME. THAT **ORGANIZED CRIME** ENTERED INTO THE HAZARDOUS WASTE HAULING ACTIVITY NEEDS NO SUBTLE UNRAVELING. THE MORE COMPLEX TASK IS HOW TO CURTAIL IT -- AND THE SIMILAR ACTIVITY BY SO-CALLED LEGITIMATE BUSINESSES.

WHILE PUBLIC OUTCRY AGAINST HAZARDOUS WASTE LED TO THE STATE AND FEDERAL REGULATION OF THE INDUSTRY, THE ENFORCEMENT OF THESE REGULATIONS -- UNFORTUNATELY -- HAS BEEN MINIMAL. VOLUNTARY COMPLIANCE -- PARTICULARLY BY THE MOB -- IS NOT LIKELY TO OCCUR. TRULY LEGITIMATE BUSINESSES MAY BE EXPECTED TO FOLLOW THE LAW. THE PROBLEM IS THAT ALL

TOO OFTEN THE BUSINESSES IN THIS AREA ARE FAR FROM LEGITIMATE. THE COMPANIES AND PEOPLE WHO HAUL THE WASTE AND DUMP IT ILLEGALLY, OR OPERATE DUMPING SITES IN AN ILLEGAL FASHION, ARE MAKING A HANDSOME PROFIT AND DO NOT WANT TO SEE AN END TO IT. ATTAINMENT OF FULL COMPLIANCE BY GOVERNMENT BY TRADITIONAL FORMS OF CIVIL AND CRIMINAL SUITS IS NOT LIKELY TO HAPPEN IN THE FORESEEABLE FUTURE. IN THE MEANTIME, INDUSTRY WILL CONTINUE TO PRODUCE THE GOODS OF A CIVILIZED WORLD, WHICH RESULTS IN HAZARDOUS WASTE. AS THE STRUGGLE TO REGULATE CONTINUES, THE ENVIRONMENT, PROPERTY, AND ALL OF US STILL SUFFER INJURY. IN FACT, AN INDIVIDUAL INJURED IN HIS PROPERTY OR PERSON HAS LITTLE EFFECTIVE RECOURSE UNDER CURRENT FEDERAL OR STATE LAW. THE TRADITIONAL MEASURES OF RECOVERY FOR DAMAGES CONTAINED IN THE VARIOUS STATE'S COMMON LAW AND STATUTORY SCHEME AS TRAGICALLY INADEQUATE. ALTHOUGH MANY COMMENTATORS HAVE CALLED FOR NEW REMEDIAL STATE AND FEDERAL LAWS, THEY HAVE NOT BEEN ADOPTED IN SUFFICIENT NUMBER, AND THERE IS A NEED TO STRENGTHEN PRESENT LAW -- CRIMINALLY AND CIVILLY.

MR. SPEAKER, PART OF THE SOLUTION WILL COME IF ONLY WE WILL REEXAMINE OUR OWN THINKING. WE MUST BEGIN TO VIEW THE ILLEGAL DUMPING OF HAZARDOUS WASTE, NOT ONLY AS AN ECONOMIC CRIME, BUT AS A CRIME OF VIOLENCE. UNFORTUNATELY, MOST FEDERAL AND STATE ENVIRONMENTAL LAWS ARE LENIENT -- EVEN WHERE THEIR VIOLATION IS CRIMINAL. IF MORE SEVERE CRIMINAL PENALTIES WERE AVAILABLE UNDER THESE LAWS, WE WOULD STILL HAVE THE PROBLEM OF LIMITED INVESTIGATIVE AND PROSECUTORIAL RESOURCES. ACCORDINGLY, CRIMINAL AND CIVIL RICO SUITS MAY OFFER A PROMISE OF AN AVENUE TO DEAL WITH THE AGGRAVATED VIOLATIONS OR OUR HAZARDOUS WASTE STATUTES. CRIMINAL RICO INCLUDES SEVERAL PENALTIES. CIVIL RICO, TOO, INCLUDES POWERFUL CIVIL SANCTIONS -- TRIPLE DAMAGES, ATTORNEY'S FEES AND INJUNCTIONS -- AND, MOST IMPORTANTLY, IT ALLOWS INJURED INDIVIDUALS THEMSELVES TO BRING SUIT. INDEED, FORWARD LOOKING LITIGATORS HAVE ALREADY BEGUN TO USE CIVIL RICO TO VINDICATE THEIR CLIENT'S RIGHTS WHERE THEY HAD IN FACT BEEN INJURED BY ILLEGAL TOXIC AND HAZARDOUS WASTE ABUSE. FOR EXAMPLE, STANDARD EQUIPMENT, INC., A CALIFORNIA CORPORATION ENGAGED IN MINING AND CONSTRUCTION ACTIVITY, HAS, IN THE LAST 3 YEARS, WON OVER \$5 MILLION IN SETTLEMENTS FOR THE CIVIL RICO LITIGATION IT BEGAN IN 1984. STANDARD EQUIPMENT WAS A NEIGHBOR TO WESTERN PROCESSING, WHICH, ACCORDING TO STANDARD EQUIPMENT, POSED AS A RECYCLING PLANT, WHILE AT THE SAME TIME ALLOWING HAZARDOUS WASTE TO BE DUMPED ON ITS GROUND. EVENTUALLY, IT CONTAMINATED STANDARD EQUIPMENT'S PROPERTY. WHILE CIVIL RICO, AS IT IS PRESENTLY DRAFTED, HAS AFFORDED STANDARD EQUIPMENT IMPORTANT AND VALUABLE CIVIL RELIEF, THE STATUTE NEEDS TO BE MORE CAREFULLY TAILORED TO MEET THE TASK OF DEALING WITH ILLEGAL TOXIC AND HAZARDOUS WASTE ABUSE.

MR. SPEAKER, I AM CONVINCED NOW THAT CRIMINAL HAZARD WASTE VIOLATIONS SHOULD BE ADDED AS A PREDICATE OFFENSE TO RICO. I LOOK FORWARD TO SOLICITING THE VIEWS OF APPROPRIATE PARTIES IN THE COMING MONTHS AS THE SUBCOMMITTEE ON CRIMINAL JUSTICE PROCESSES THE VARIOUS PROPOSALS FOR REFORM IN THE RICO AREA.